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BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

MORRIS GOLDSTEIN, M.D.
License No. C10258,

Respondent.

NO. D-1616

DECISION

The Division of Medical Quality hereby adopts the attached
Stipulation in Case No. D-1616 as its Decision in the above-captioned
matter on this 15 day of July 1977.

The Decision shall become effective on the 26 day
of July, 1977.

Blanche Bersch
BLANCHE BERSCH
SECRETARY

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5 Attorneys for Complainant
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8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation)
Against:) NO. D-1616
14)
MORRIS GOLDSTEIN, M.D.) STIPULATION
15 License No. C10258,)
16 Respondent.)
17

18 IT IS HEREBY STIPULATED AND AGREED by and between
19 the parties to the above entitled case that the following
20 matters are true:

21 1. An accusation is presently pending against Morris
22 Goldstein, M.D. (hereinafter referred to as respondent), said
23 accusation having been filed with the Board of Medical Examiners
24 of the State of California, predecessor in interest to the
25 Division of Medical Quality of the Board of Medical Quality
26 Assurance of the State of California (hereinafter referred to
27 as the Division) on or about June 6, 1975.

1 2. The complainant in said accusation, Raymond M.
2 Reid, was the Executive Secretary of the Board of Medical
3 Examiners and brought said accusation solely in his official
4 capacity.

5 3. The respondent was issued physician's and surgeon's
6 certificate No. C10258 by the Board of Medical Examiners on
7 July 17, 1947. At all times relevant to the charges contained
8 in the accusation, said certificate has been in effect.

9 4. Respondent has retained Philip Rosten of the
10 firm of Nasatir, Sherman and Hirsch as his attorney in this
11 matter.

12 5. Respondent and his counsel have fully discussed
13 the charges of unprofessional conduct contained in said accusation
14 No. D-1616, and respondent has been fully advised regarding his
15 rights in this matter.

16 6. Respondent is fully aware of his right to a
17 hearing on the charges of unprofessional conduct contained in
18 the accusation, his right to confront and cross-examine witnesses
19 against him, his right to reconsideration, appeal and any and
20 all other rights which may be available to him pursuant to the
21 California Administrative Procedure Act. Respondent hereby
22 freely and voluntarily waives his right to a hearing, confrontation
23 of witnesses, reconsideration, appeal and any and all other
24 rights which may be available to him under the California
25 Administrative Procedure Act regarding said accusation.

26 7. On February 20, 1975, in the Superior Court of
27 the State of California, in a proceeding entitled, "People of

1 the State of California v. Morris Goldstein," Case No. A298228,
2 respondent was convicted of violating Health and Safety Code
3 section 11170.5 (now Health & Saf. Code § 11174). Respondent's
4 conviction was for giving a false name or address in connection
5 with describing, furnishing, administering, or dispensing of a
6 narcotic. Health and Safety Code section 11170.5 was a statute
7 of the State of California regulating narcotics within the meaning
8 of Business and Professions Code section 2384.

9 8. On February 20, 1975, in the Superior Court of the
10 State of California, in a proceeding entitled, "People of the
11 State of California v. Morris Goldstein," Case No. A29828, respon-
12 dent was convicted of violating Health and Safety Code section
13 11162.5 (now Health & Saf. Code §§ 11153 and 11210). Said con-
14 viction was for issuing a prescription for a narcotic to an addict
15 or habitual user of narcotics, not in the course of professional
16 treatment, but for the purpose of providing the user of narcotics
17 sufficient supply to keep her comfortable by maintaining her
18 customary use. Health and Safety Code section 11162.5 was
19 a statute of the State of California regulating narcotics.

20 9. Both of the aforementioned convictions are
21 substantially related to the functions or duties of a physician
22 and surgeon licensed in the State of California.

23 10. On October 24, 1972, October 30, 1972, November 8,
24 1972, and November 20, 1972, respondent prescribed the dangerous
25 drug Parest to Rochelle Peabody without conducting a prior
26 examination and without a medical indication therefor. On the
27 first two dates, respondent prescribed thirty, 400 mgs. capsules

1 on each occasion. On the latter two dates, respondent prescribed
2 sixty, 400 mgs. capsules on each occasion.

3 11. On October 24, 1972, respondent prescribed
4 thirty, 30 mgs. capsules of the dangerous drug Ionomin to
5 Rochelle Peabody without conducting a prior examination and
6 without medical indication therefor.

7 12. On February 28, 1973, respondent prescribed
8 sixty, 30 mgs. capsules of the dangerous drug Dalmane to
9 Rochelle Peabody without conducting a prior examination and
10 without medical indication therefor.

11 13. Respondent's admissions in paragraphs 10 through
12 12 constitute a violation of section 2399.5 of the California
13 Business and Professions Code.

14 PURSUANT TO PARAGRAPHS 7 through 12 OF THIS STIPULATION,
15 RESPONDENT IS SUBJECT TO DISCIPLINE PURSUANT TO SECTIONS 2384
16 AND 2399.5 OF THE BUSINESS AND PROFESSIONS CODE.

17 14. The Division of Medical Quality shall issue
18 the following order:

19 DISCIPLINARY ORDER

20 Respondent's certificate to practice medicine and
21 surgery in the State of California is hereby revoked; provided,
22 however, that execution of this order of revocation is hereby
23 stayed and respondent is placed on probation for a period of
24 five (5) years upon the following terms and conditions:

25 1. Respondent shall, within thirty days of the effective
26 date of the decision of the Division, apply for a modification of
27 his federal controlled substances permit to provide that he may

1 not prescribe or dispense any of the controlled substances set
2 forth in Schedules II, III and IV contained in 21 C.F.R. sections
3 1308.12, 1308.13, and 1308.14, respectively. Respondent shall
4 furnish proof of such application to the Division of Medical
5 Quality within thirty days of the effective date of the Division's
6 decision. After said modification is accomplished, respondent
7 may not apply for a federal controlled substances permit to prescribe
8 or dispense any controlled substance specified in said Schedules
9 II, III and IV, as it then exists or is later amended, until the
10 expiration of his probationary period. Respondent shall furnish
11 proof of said modification of his federal controlled substances
12 permit to the Division no later than ten (10) days after said
13 modification is granted. In the event that respondent's federal
14 controlled substances permit is not modified prior to the effective
15 date of this decision, respondent may not prescribe any Schedules
16 II, III or IV controlled substances after said date.

17 2. Within one year of the effective date of the decision
18 of the Division, respondent shall complete thirty hours of CMA
19 Category I Continuing Education dealing with the subject matter
20 of drug abuse or a continuing education program dealing with said
21 subject matter approved by the Division of Medical Quality.
22 Respondent shall submit proof of completion of said thirty hours
23 on or before the first anniversary of the effective date of the
24 Division's decision.

25 3. Respondent shall obey all laws of the United States,
26 of the State of California and its political subdivisions, in-
27 cluding all laws and regulations related to the practice of medi-
28 cine.

1 4. Respondent shall fully cooperate with any represen-
2 tative of the Division, including his probation surveillance
3 officer.

4 5. Commencing immediately following the effective date
5 of this order, respondent shall report, ^{when so requested,} ~~in person~~ ^{Pme} twice annually ^{thru} ~~in person~~
6 to one of the Division's medical consultants for the purpose of
7 reporting on his current activities and his progress towards
8 rehabilitation.

9 6. Respondent's practice of medicine, while in a
10 probationary status, shall be in the State of California. Time
11 spent in the practice of medicine in any other jurisdiction shall
12 not be effective in reducing the time of probationary practice
13 hereby imposed.

14 In the event respondent complies with the aforestated
15 terms and conditions of probation or such other terms and condi-
16 tions as the Division may thereafter impose, for the full period
17 thereof, the order staying revocation shall become permanent and
18 his certificate to practice medicine shall be fully restored.

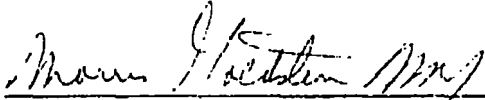
19 In the event respondent does not comply with the terms
20 and conditions of his probation for the full period thereof, the
21 Division, after notice to him and after providing him with an
22 opportunity to be heard, may set aside the stay and reimpose the
23 order of revocation or make such other order modifying or changing
24 the stay order as it shall deem proper.

25 This stipulation shall be subject to the approval of
26 the Division of Medical Quality of the Board of Medical Quality
27 Assurance. If the Division of Medical Quality fails to approve

1 this stipulation, it shall be of no force or effect for either
2 party.

3 I HAVE READ THE ABOVE DOCUMENT AND HAVE FULLY DISCUSSED
4 IT WITH MY LEGAL COUNSEL. I AGREE TO THE ABOVE SETTLEMENT AND
5 STIPULATION.

6 DATED: 8/13/77.


7 
8 MORRIS GOLDSTEIN, M.D.
9 Respondent

10 DATED: 7/13/77.

11 
12 PHILIP RUSTEN, Esq.
13 Attorney for Respondent

14 DATED: 7/14/77.

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16 EVELLE J. YOUNGER, Attorney General
17 MARK A. LEVIN,
18 Deputy Attorney General

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8 ~ BEFORE THE BOARD OF MEDICAL EXAMINERS
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 Against:

13 MORRIS GOLDSTEIN, M.D.,
14 License No. C10258,

15 Respondent.

16 NO. D-11616
17 ACCUSATION.

18 Complainant, RAYMOND REID, alleges that:

19 1. He is the Executive Secretary of the Board of
20 Medical Examiners of the State of California (hereinafter the
21 "Board"), and brings this Accusation in his official capacity only.

22 2. On or about July 17, 1947, respondent Morris
23 Abraham Goldstein, M.D. (hereinafter "respondent") was issued
24 Physician's and Surgeon's Certificate No. C10258. Said certi-
25 ficate is currently, and was at all times mentioned herein, in
26 full force and effect.

27 3. Pursuant to sections 2360^{1/} and 2361, the Board
28 may suspend or revoke a physician's and surgeon's certificate
29 if it finds the certificate holder to be guilty of unprofessional
30 conduct.

31 1. All statutory references are to the Business and
Professions Code unless otherwise specified.

1 4. Respondent is guilty of unprofessional conduct
2 within the meaning of section 2383 in that he has been convicted
3 of a crime involving moral turpitude, as more particularly alleged
4 hereinafter:

5 A. On or about February 20, 1975, in the
6 Superior Court of the State of California, County
7 of Los Angeles, in a proceeding entitled, "PEOPLE
8 OF THE STATE OF CALIFORNIA VS. MORRIS GOLDSTEIN,"
9 Case No. A 298228, respondent was convicted,
10 pursuant to his plea of guilty, of violating
11 Health and Safety Code section 11170.5^{2/} (giving
12 a false name or address in connection with the
13 prescribing, furnishing, administering, or
14 dispensing of a narcotic).

15 5. Respondent is further subject to disciplinary
16 action pursuant to section 2384 in that he has been convicted of
17 violating statutes of the State of California regulating narcotics
18 or controlled substances, as more particularly set forth
19 hereinafter:

20 A. Paragraph 4A, hereinabove, is
21 incorporated hereat by reference as if set forth
22 in full.

23 B. On or about February 20, 1975, in
24 the Superior Court of the State of California,
25 County of Los Angeles, in a proceeding entitled,
26 "PEOPLE OF THE STATE OF CALIFORNIA VS. MORRIS
27 GOLDSTEIN," Case No. A 298228, respondent was
28 convicted, pursuant to his plea of guilty, of

29
30 2. Now Health and Safety Code section 11174, added, by
31 Stats. 1972, c. 1407, p. 2987, § 3.

1 violating Health and Safety Code section 11162.5^{3/}
2 (issuing a prescription for a narcotic to an addict
3 or habitual user of narcotics, not in the course of
4 professional treatment but for the purpose of
5 providing the user with narcotics sufficient to keep
6 her comfortable by maintaining her customary use).

7 C. Respondent's convictions, set forth in
8 paragraphs 4 and 5, are substantially related to his
9 functions or duties as a licensed physician and
10 surgeon in the State of California.

11 6. At all times pertinent to the allegations in
12 paragraph 8 hereinafter, section 2391.5 provided that a violation
13 of any statute of this State regulating dangerous drugs consti-
14 tutes unprofessional conduct.

15 7. At all times pertinent to the allegations in
16 paragraph 8 hereinafter, section 2399.5 has provided:

17 "Prescribing dangerous drugs as defined in
18 Section 4211, without a prior examination of the patient
19 or medical indication therefor constitutes unprofessional
20 conduct within the meaning of this chapter."

21 8. Respondent is further subject to disciplinary
22 action pursuant to section 2399.5 alone, and in conjunction with
23 section 2391.5, in that he has prescribed dangerous drugs to
24 Rochelle Peabody, also known as Shellee C. [REDACTED] without a prior
25 examination or medical indication therefor, as more particularly
26 alleged hereinafter:

27 A. On or about October 24, 1972, at his
28 office located at 1608 Pacific, Venice, California,

29
30 3. Now Health and Safety Code sections 11153 and 11210,
31 added by Stats. 1972, c. 1407, p. 2987, § 3.

1 respondent prescribed the dangerous drug Parest
2 (30, 400 mg. capsules) and Ionomin (30, 30 mg.
3 capsules) to a person known to him as Shelley
4 C [REDACTED] (aka Rochelle Peabody) without conducting
5 a prior examination and without medical indication
6 therefor.

7 B. On or about October 30, 1972, at his
8 office located at 1608 Pacific, Venice, California,
9 respondent prescribed the dangerous drug Parest
10 (30, 400 mg. capsules) for C [REDACTED] without conducting
11 a prior examination and without medical indication
12 therefor.

13 C. On or about November 8, 1972, at his
14 office located at 1608 Pacific, Venice, California,
15 respondent prescribed the dangerous drug Parest
16 (60, 400 mg. capsules) for C [REDACTED] without conducting
17 a prior examination and without medical indication
18 therefor.

19 D. On or about November 20, 1972, at his
20 office located at 1608 Pacific, Venice, California,
21 respondent prescribed the dangerous drug Parest
22 (60, 400 mg. capsules) for C [REDACTED] without conducting
23 a prior examination and without medical indication
24 therefor.

25 E. On or about February 28, 1973, at his
26 office located at 1608 Pacific, Venice, California,
27 respondent prescribed the dangerous drug Dalmane (60,
28 30 mg. capsules) for Peabody without conducting a prior
29 examination and without medical indication therefor.

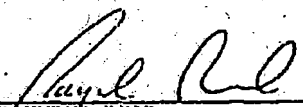
30 9. At all times mentioned herein, Parest, Ionomin and
31 Dalmane have been classified as dangerous drugs within the
32 meaning of section 4311(k).

1 WHEREFORE, complainant prays that the Board hold a
2 hearing on the matters alleged herein and, following said hearing,
3 issue an order:

4 1. Suspending or revoking respondent's physician's
5 and surgeon's certificate; and

6 2. Taking such other and further action as the Board
7 deems proper.

8 DATED: 6/6/75

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11 
12 RAYMOND REID
13 Executive Secretary
14 Board of Medical Examiners
15 State of California
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17 Complainant
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